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 UNITED STATES OF AMERICA

FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

2 SEP 10 2003
 at 6 o'clock and 1/4 mile N
 WALTER A. Y. M. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

CR 03-00451

HG

UNITED STATES OF AMERICA,)	CR. NO.
)	
Plaintiff,)	INDICTMENT
vs.)	
MASASHI ENDO,	(01)	[18 U.S.C. §§ 1029(a)(1),
a/k/a Masaru Nakayama)	1029(a)(3), 1029(a)(5),
and Minoru Nakayama,)	1029(b)(2), and 2]
MITSUYUKI ONO,	(02))
MASAKI FUKAZAWA,	(03))
TATSUYA KUMAGAWA, and	(04))
a/k/a Tatsuya Yamada,)	
SAKURA OGAWA,	(05))
Defendants.)	
)	

SCANNED

INDICTMENT

The Grand Jury charges that:

COUNT 1

I. THE CONSPIRACY

1. From a precise date unknown to the Grand Jury, but by on or about August 10, 2003, and continuing through on or about August 14, 2003, in the District of Hawaii and elsewhere, the Defendants, MASASHI ENDO, also known as Masaru Nakayama and Minoru Nakayama, MITSUYUKI ONO, MASAKI FUKAZAWA, TATSUYA KUMAGAWA, also known as Tatsuya Yamada, and SAKURA OGAWA, did willfully and knowingly combine, conspire, confederate, and agree together and with each other, and with other persons both known and unknown to the Grand Jury, to commit an offense, that is, to knowingly and with intent to defraud use and traffic in one or more counterfeit access devices, thereby having an effect on interstate commerce, in violation of 18 U.S.C. § 1029 (a)(1).

II. OVERT ACTS

2. In furtherance of and to effect the object of the conspiracy, Defendants committed the following overt acts, among others, in the District of Hawaii and elsewhere:

- a. On or about August 10, 2003, MASASHI ENDO, MITSUYUKI ONO, and SAKURA OGAWA traveled from Japan to Hawaii.
- b. Between on or about August 10, 2003 and *3 Aug 2003* *Ma* August 13, 2003, MASASHI ENDO purchased expensive merchandise

using counterfeit credit cards, including a watch from Cartier for approximately \$2,392 on August 13, 2003.

c. Between on or about August 10, 2003 and August 13, 2003, MITSUYUKI ONO used counterfeit credit cards to purchase expensive merchandise.

d. On or about August 13, 2003, MASAKI FUKAZAWA and TATSUYA KUMAGAWA traveled from Japan to Hawaii.

e. On or about August 13, 2003, SAKURA OGAWA, after observing federal agents arrest MASASHI ENDO, telephoned MASAKI FUKAZAWA, TATSUYA KUMAGAWA, and MITSUYUKI ONO to warn them that ENDO had been arrested.

f. On or about August 13, 2003, SAKURA OGAWA, after observing federal agents arrest MASASHI ENDO, attempted to change the reservations for the return flight to Japan for herself and MASASHI ENDO, MASAKI FUKAZAWA, TATSUYA KUMAGAWA, and MITSUYUKI ONO.

g. On or about August 13, 2003, MASAKI FUKAZAWA, TATSUYA KUMAGAWA, and MITSUYUKI ONO were in possession of merchandise that had been purchased with counterfeit credit cards.

h. On or about August 13, 2003, MASAKI FUKAZAWA, TATSUYA KUMAGAWA, and MITSUYUKI ONO were in possession of approximately 23 counterfeit credit cards.

All in violation of Title 18, United States Code, Section 1029(b) (2).

COUNT 2

Between on or about August 10, 2003 and on or about August 13, 2003, in the District of Hawaii, the Defendants, MASASHI ENDO, also known as Masaru Nakayama and Minoru Nakayama, MITSUYUKI ONO, and SAKURA OGAWA, did knowingly and with intent to defraud use one or more counterfeit access devices, thereby having an effect on interstate commerce.

All in violation of Title 18, United States Code, Sections 1029(a)(1) and 2.

COUNT 3

Between on or about August 10, 2003 and on or about August 13, 2003, in the District of Hawaii, the Defendants, MASASHI ENDO, also known as Masaru Nakayama and Minoru Nakayama, MITSUYUKI ONO, and SAKURA OGAWA, did knowingly and with intent to defraud effect transactions, with one or more access devices issued to another person or persons, to receive goods and services having an aggregate value of \$1,000 or more during any one-year period, thereby having an effect on interstate commerce.

All in violation of Title 18, United States Code, Sections 1029(a)(5) and 2.

COUNT 4

On or about August 13, 2003, in the District of Hawaii, the Defendants, MASAKI FUKAZAWA, TATSUYA KUMAGAWA, also known as Tatsuya Yamada, and MITSUYUKI ONO, did knowingly and with intent to defraud possess fifteen or more counterfeit or unauthorized access devices, thereby having an effect on interstate commerce.

All in violation of Title 18, United States Code, Section 1029(a)(3).

DATED: September 16, 2003, at Honolulu, Hawaii.

A TRUE BILL

1st

FOREPERSON, Grand Jury

EDWARD H. KUBO, JR.
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